



The Kerala Coir Workers' Welfare Fund Act, 1987

Act 34 of 1987

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THE KERALA COIR WORKERS' WELFARE FUND ACT 1987¹

(ACT 34 OF 1987)

An Act to provide for the constitution of a fund to grant relief to, to promote the welfare of, and to pay pension to coir workers and self employed persons in coir industry in the State of Kerala.

Preamble.-WHEREAS it is expedient to provide for the constitution of a fund to grant relief to, promote the welfare of, and to pay pension to coir workers and self employed persons in coir industry in the State of Kerala and for certain other matters incidental thereto ;

BE it enacted in the Thirty-eight Year of the Republic of India as follows:-

1. *Short title, extent and commencement*:-(1) This Act may be called the Kerala Coir Workers' Welfare Fund Act, 1987.

(2) It extends to the whole of the State of Kerala.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the Government may, by notification in the Gazette, appoint; and different dates may be appointed for different provisions of this Act:

Provided that the provisions relating to payment of pension shall be deemed to have come into force on the last day of April, 1987

2. *Definitions*:- In this ac, unless the context otherwise requires,-

- (a) “Board” means the Kerala Coir Workers’ Welfare fund Board constituted under section 6;
- (b) “Chief Executive Officer” means the Chief Executive officer appointed under sub-sector (1) of section 9 ;
- (c) [2](#)[“coir products” means mats and mattings, rugs and carpets, fibre, yarn, rubberised coir products and other articles manufactured wholly or partly from fibre, yarn or pith and includes such products of coir backed with PVC, rubber or any similar backing materials; “ ;]
- (d) “coir worker” means any person who is employed for wages to do any work in connection with the various processes in coir industry, and who gets his wage directly or indirectly from the employer, dealer or producer of coir products and includes any person employed by or through a contractor or through an agent and depends mainly on coir industry for his livelihood, [3](#)[and includes a floating worker or any person] employed in coir industry, whom the Government may by notification in the Gazette from time to time declare to be a coir worker for the purposes of this Act;

[4](#)[“*Explanation*.-If any question arises as to whether a person is or is not a coir worker for the purpose of this Act, the matter shall be referred to the concerned Project Level Advisory Committee of trade unions in coir industry constituted for such Coir Project area for the purpose for decision and an appeal shall lie to the Board against the decision of the Project Level Advisory Committee;”];

(e) “contribution” means the sum of money payable to the fund under section 4 ;

(f) “dealer” means any person who is engaged in the business of purchase, sale, or storage for sale, of husks or fibre⁵[or pith] or coir yarn any coir products or a person who rets husks and includes an agent of a dealer but does not include a cultivator who sells, or stores for sale raw husks owned by him ⁶[“and the Kerala State Co-operative Coir Marketing Federation and the Kerala State Coir Corporation Ltd;]

(g) “Director of coir Development” means the Director of Coir Development for the State of Kerala ;

(h) ⁷[“(h) “Employer” means any person who directly employs whether on behalf of himself or for any other persons one or more coir workers to do any work in connection with the processes in coir industry ; “ ;]

⁸[“(ha) “exporter” means any dealer or producer of coir products who exports coir products to any country outside India from ports within the State of Kerala and any such person who produces in or procures from Kerala such coir products and exports them to any country outside India from ports outside the State of Kerala;”:]

(i) “family” means the husband, wife and their children;

(j) “fibre” means coir fibre extracted from coconut husk

[2](#)[‘with or without use of machinery ‘]

[10](#)[(ja) “Floating worker” means a coir worker who works for more than one employer, dealer or producer of coir products;”];]

(k) “fund” means the Coir Workers’ Welfare Fund established under section 3 and the scheme ;

(l) “husk” means coconut husk, green, dry or retted ;

(m) “member” means a member of the fund ;

(n) “person” includes a Company, a firm, an association of individuals or a Co-operative Society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969);

[11](#)[(“na) “pith” means the pith obtained from husk in the process of extracting fibre from husk ;”];]

(o) “prescribed” means prescribed by rules made under this Act;

[12](#) [(“p) “process in coir industry” means retting raw husks, taking out and counting retted husk, peeling the outer layer of retted husks, extracting fibre from husk, cleaning fibre, spinning yarn, drying and bundling fibre and yarn, rehanking yarn, making coir products, dyeing shearing and allied process in finishing

coir products with or without the use of machinery and includes packing and such other activities which the Government may, by notification in the Gazette, from time to time declare to be a process in coir industry;”;

[13](#)[(q) “producer of coir products” means a person who manufacture coir products or carries on the business of processing coir products for export or for internal marketing;”;

(r) “Schedule” means the schedule to this Act;

(s) “Scheme” means a scheme framed under this Act:

(t) “self-employed person” means a person other than a coir worker, who is engaged in the extraction of coir fibre, spinning yarn and manufacture of coir products for other person and depends mainly on coir industry for his livelihood;

(u) “yarn” means the coir yarn obtained by the spinning of fibre ;

(v) “year” means the financial year.

3. *Coir Workers’ Welfare Fund Scheme.*-(1) The Government may, by notification in the Gazette, frame a scheme to be called the Kerala Coir Workers Welfare Fund Scheme for the establishment of a fund under this Act for the welfare of the coir workers and self employed persons in the coir industry and there shall be established, as soon as may be after the framing of the scheme, a fund in accordance with the provisions of this Act and the scheme.

(2) There shall be credited to the fund,-

- (a) the contributions specified in section 4;
- (b) the amount borrowed by the Board under section 10;
- (c) damages realised under section 19 ;
- (d) grants or loans or advances made by the Government of India or the State Government or the Coir Board or any institutions;
- (e) any donations from whatever source;
- (f) any amount raised by the Board from other sources to augment the resources of the Board ;
- (g) fee levied under the scheme ;
- (h) any other amount which, under the provisions of the scheme, shall be credited to the fund.

(3) The fund shall vest in, and be administered by the Board constituted under section 6;

(4) The fund may be utilised for all or any of the following purposes, namely,-

(a) for payment of pension.-

[14](#) [“(i) to a member who has completed the age of sixty years and had valid membership in the Fund for a minimum period of five years :

Provided that the minimum period of five years membership in the Fund shall not be insisted.-

(a) to a member who become disabled to do any normal work in connection with the various process in coir industry or

(b) to a member who subscribed to the Fund with effect from the 18th day of January, 1989 and attained the age of sixty years before the 17th day of January 1994:

Provided further that a member who has valid member ship for a minimum period of thirty years in the fund and who retires voluntarily, shall also be eligible for pension even if he has not attained the age of sixty years.”]

(ii) to a person who before the [15](#)[30th day of September 1989] was a coir worker or a self employed person and completed the age of sixty years or who suffers from permanent disablement and is of out of employment;

[16](#) [“(iii) to a person who, before the 30th day of September, 1989 was a coir worker or

self employed person and who has not become a member of the Fund and has completed the age of sixty years before the 30th day of September, 1997, if he pays to the Fund and amount equivalent to the contribution payable by him, had he been a member for the period from the 1st day of October, 1989 to the date of completion of sixty years, within a period of nine months from the 30th day of September, 1997:”]

[17](#)[“(b) for payment of family pension to the spouse of deceased member or if the deceased member was a widow or a widower to the minor children;”];]

[18](#)[“(ba) for payment of any other retirement benefit;” ;]

(c) for payment of financial assistance to a member who suffers from permanent or temporary disablement;

(d) for payment of loans or grants to a member to meet the day to day expenses during off season or to meet expenses for the [19](#)[“marriage of daughters”] or for expenses in connection with disease or death of dependents or for expenses in connection with the education of children or for expenses for construction or maintenance of houses;

[20](#) [“(da) for payment of loans or grants to a female member, to meet the expenses in connection with her own marriage;

(db) for payment of financial assistance to the dependents of a deceased member to meet the expenses in connection with the death of that member;” ;]

(e) to provide maternity benefits to women workers engaged in coir industry who are not eligible for such benefits under any other law for the time being in force;

(f) to provide for distress relief to the family of a members affected by natural calamities and epidemics;

(g) to provide for the coir workers, self-employed person and members of their families,-

(i) medical facilities;

(ii) nurseries and creches;

(iii) education, vocational training and facilities for part time employment;;

(h) for implementation of any other purpose specified in the scheme.

[21](#)[Provided that a member shall be eligible for financial assistance under clauses (c), (d), (e), (f), (g) and (h) of sub-section (4), only if he has subscribed to the fund for a continuous period of two years:

Provided further that two years period of membership shall not be insisted in the case of permanent disablement or accident or death of a member who was not a defaulter of the fund.”.]t to the provisions of this Act, the scheme framed under sub-section (1) may provide for all or any of the matters specified in sub-section (4) and in the schedule.

(6) The scheme shall be laid, as soon as may be, after it is framed, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the scheme, the scheme shall thereafter have effect only in such modified form; so however that, any such modification shall be without prejudice to the validity of anything previously done under the scheme.

[22](#)["4. *Contribution payable to the Fund.*-(1) Every coir worker and self employed person shall contribute to the Fund five rupees per month and the contribution by the coir worker shall be paid directly or through the employer:

Provided that a coir worker or a self employed person who has not become a member of the Fund before the 30th day of September, 1997 shall become a member of the Fund if he pays to the Fund an amount equivalent to the contribution payable by him, had he been a member for the period prior to the 30th day of September 1997, within nine months from the said date:

Provided further that the arrears of contribution, if any, for any period prior to the 30th day of September, 1997, payable by a member shall be allowed to be paid waving interest and penalty if such payment is made before the 30th day of September, 1998.

- (2) Every employer, producer of coir products and dealer shall pay to the Fund a contribution at the rate shown in the Annexure per year.
- (3) The Government shall contribute to the Fund every year an amount equal to twice the amount contributed by the coir workers and self-employed persons, by way of grant.
- (4) Every exporter shall with effect from the 1st day of October, 1989 pay to the Fund every year an amount equal to 0.75 per cent of the F.O.B. value of his annual exports by way of contribution:

Provided that the contribution payable by producers of coir products, dealers or exporters, as the case may be, till the 30th day of September, 1997 shall be calculated at the revised rates and excess payments, if any shall also be adjusted against future payments and arrears, if any, may be allowed to be paid in suitable quarterly instalments not exceeding twenty, after waiving interest and penalty on such arrears:

Provided further that the instalment facility for payment of arrears and waiver of interest and penalty shall be extended only if the current contributions are paid without default along with instalments of arrears.”]

- (6) The contribution shall be paid to the Chief Executive Officer or

to any officer of the Board authorised by the Board in this
behalf.

- (7) Where the amount of any contribution payable under this Act involves a fraction of a rupee, the scheme may provide for the rounding off of such fraction to the nearest rupee.

5. Modification of scheme.-(1) The Government may, by notification in the Gazette, add to, amend or vary the scheme either prospectively or retrospectively.

(2) Every notification under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the notification or decides that the notification should not be issued, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

(6) Constitution of Board.-(1) The Government may, by notification in the Gazette, constitute, with effect from such date as may be specified therein a Board to be called “the Kerala Coir workers’ Welfare Fund Board” for the administration of the fund and to supervise or carry out the activities financed from the fund.

- (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

[23](#)[(3) The Board shall consist of fifteen Directors as may be appointed by the Government and they shall consist of,-

I. five Directors representing coir workers and self employed persons;

II. one Director each representing Government in the Industries and finance Departments ;

III. one Director representing Coir Board ;

IV. Director of Coir Development ;

V. Chief Executive Officer of the Board; and

VI. five Directors representing exporters, dealers, employers producers of coir products and Coir Co-operative Societies registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969).”.]

(4) One of the members of the Board shall be appointed by the Government to be its Chairman.

(5) The Government shall publish in the Gazette the names of all the Directors of the Board.

(6) The Board shall administer the fund vested in it in such manner as may be specified in the scheme.

- (7) The Board may, with the previous approval of the Government, delegate to the Chairman or to any Director of the Board or to the Chief Executive Officer such of its powers and functions under this Act or the scheme as it may consider necessary for the efficient administration of the fund, subject to such restrictions and conditions if any, as it may specify.

7. Term of Office of Directors.-(1) A Director appointed under sub-section (3) of section 6 shall hold office for a period of three years.

(2) Notwithstanding anything contained in section 8, the Government may, at any time, for reasons to be recorded in writing, remove from office any Director of the Board after giving him a reasonable opportunity of showing cause against the proposed removal:

Provided that it shall not be necessary to record in writing the reason for the removal or to give an opportunity of showing cause against the proposed removal, if the Government are of the opinion that it is not expedient in the public interest to record the reasons in writing or to give such opportunity.

- (3) Any Director may resign his membership by giving notice in writing to the Government, but shall continue in office until his resignation is accepted by the Government.

(8) Removal of non-official Directors.-(1) The Government may, by notification in the

Gazette, remove any non-official Director of the Board from office,-

- (a) if he has, without the permission of the Board, been absent from the meetings of the Board for three consecutive meetings:

Provided, however, that such absence may be condoned by the Board before the publication of the notification in the Gazette;

(b) if he, in the opinion of the Government, is unsuitable or has become incapable of acting as a Director or has so abused his position as a Director as to render his continuance as such Director detrimental to the public interest:

Provided that before removing a Director under this sub-section, he shall be given a reasonable opportunity to show cause why he should not be removed.

(2) A non-official Director of the Board removed under clause (a) of sub-section (1) shall be disqualified for reappointment as a Director of the Board for a period of three years from the date of his removal unless otherwise ordered by the Government.

(3) A non official Director of the Board removed under clause (b) of sub-section (1) shall not be eligible for reappointment until he is declared by an order of the Government to be no longer ineligible.

9. *Appointment of officers and staff.*-(1) The Government may appointment a Chief Executive Officer and such number of other officers and staff as they consider necessary to assist the Board in the discharge of its functions and duties under this Act.

(2) Subject to the provisions of sub-section (3), the method of appointment, salary and allowances, discipline and the other conditions of service of the Chief Executive Officer and the other officers and staff appointed under sub-section (1) shall be such as may be prescribed.

(3) In the case of posts in the service under the Board to which appointment is made by direct recruitment,-

(a) fifty per cent shall be reserved for appointment from candidates belonging to the families of coir workers and self employed persons; and

(b) fifty per cent shall be filled in accordance with the procedure laid down in the Kerala State and Subordinate Service rules, 1958

[24](#)["(4) The Government may, in such manner as may be prescribed, delegate such of their powers under sub-section (1) to the Board.".]

10. *Power of the Board to borrow.*—The Board may, from time to time, with the previous approval of the Government and subject to such terms and conditions as may be specified by the Government borrow money for the purposes of the scheme.

11. *Determination of amount due.*—(1) The Chief Executive Officer or any other officer authorised by the Board in this behalf, may after making such enquiry as may be necessary and after giving every person liable to pay contribution under section 4, an opportunity to be heard, by order determine the amount due from every employer or dealer [25](#)[or exporter] under the provisions of this Act or the scheme.

(2) The officer conducting the enquiry under sub-section (1), shall, for the purposes of such enquiry, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath:

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavit;

(d) issuing commissions for the examination of witnesses

(3) Any enquiry under this section shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Central Act 45 of 1860) and for the purpose of section 196 of the said code.

[26](#)“(4) Any person aggrieved by an order under sub-section (1) may, within thirty days from the date of receipt of the order, prefer an appeal, in the case of an order passed by any officer, other than the Chief Executive Officer, to the Chief Executive Officer and, in the case of an order passed by the Chief Executive Officer, to the Board and the Chief Executive Officer or the Board, as the case may be, shall, after making such enquiry, pass such orders thereon, as he or it may deem fit:

Provided that no appeal shall be entertained either by the Chief Executive Officer of the Board unless the appellant has remitted to the Fund the amount determined under sub-section (1).”;

(5) The Government may, either *suo moto*, or on application of the aggrieved person, call for the records of any proceedings taken by the [27](#)[Chief Executive Officer or the Board] and make such enquiry and pass such orders, as they deem fit:

Provided that an application for revision under this sub-section shall be made within thirty days from the date on which the order was communicated to the applicant:

Provided further that no order shall be passed under this sub-section without giving the person who may be affected thereby, an opportunity to be heard.

12. *Provisional assessment and collection of contribution.*- [28](#)“(1) Every employer

or dealer or producer of coir products or exporter liable to pay contribution under section 4 shall, pending determination under section 11 of the amount due from him, pay the amount according to latest determination under the said section and in the absence of such determination according to self assessment of contribution payable under section 4, as shown below, namely:-

(a)	contribution upto Rs . 100 per annum	In lumpsum on or before 30 th June of every year
(b)	contribution above Rs.100 and upto Rs.12000 per annum	In two half yearly instalments before 30 th June and 31 st December of every year.
(c)	Contribution above Rs.1200 per annum	In equal quarterly instalments before 30 th June, 30 th September, 31 st December and 31 st March every year.

Note.-The Board may at its discretion allow appropriate rebate for prompt payment or advance payment..”;

- (2) The contribution for a month due from a coir worker or self-employed person shall become payable on or before the [29](#)[15th day] of the succeeding month.
- (3) Whether the contribution is not paid on or before the due date, the Chief Executive Officer or any officer of the Board authorised by it in this behalf, shall issue a notice to the defaulter showing the amount of arrears, and if the amount is not paid within fifteen days of the receipt of such notice, it may be recovered in the same manner as arrears of public revenue due on land.
- (4) The amount paid under sub-section (1) by an employer or dealer or producer of coir products[30](#)[or exporter] for a year shall be adjusted against the amount determined, under section 11 for that year.

13. *Mode of recovery of money due from coir workers, self-employed persons,*

employers, dealers [31](#)*[producers of coir products and exporter]* [32](#)^[1] Any amount due from the coir workers, self-employed persons, employers, dealers [33](#)*[producers of coir products and exporters]* in pursuance of the provision of this Act or the Scheme may, if the amount is in arrears, be recovered in the same manner as an arrear of public revenue due on land.

[34](#)^[(2)] The Chief Executive Officer or any other officers authorised by the Government in this behalf shall have power to seize goods, stocks including goods in transit along with the carrier, machinery or equipment of the employers, dealers, producers of coir products or exporters who has defaulted contribution to the Fund for more than one year and sell them in public auction for realisation of defaulted amount due to the Fund from them:

Provided that if the defaulter pays the defaulted amount within seven days from the date of such seizure, the articles so seized shall be released to him.”]

14. *Priority of payment of contribution over other debts.*-Where any employer or dealer [35](#)*[or producer of coir products or exporters]* liable to pay contributions under section 4 is adjudicated as insolvent or, in case such employer or dealer [36](#)*[or producer of coir products or exporter]* is a company, an order for winding up is made, the amount due from such employer or dealer [37](#)*[or producer of coir products or exporter]* under this Act or the scheme shall, where the liability therefore has accrued before the order of adjudication or winding up is made, be deemed to be included among the debts which under section 64 of the Insolvency Act, 1955 (2 of 1956) or under section 530 of the Companies Act, 1956 (Central Act 1 of 1956) are to be paid in priority to all other debts in the distribution of the property of the insolvent or the assets of the company being wound up, as the case may be.

15. *Employer not to reduce wages etc.*-No employer or dealer or producer of coir products shall by reason only of his liability for the payment of any contribution to the fund, reduce whether directly or indirectly the wages of any coir worker to whom the scheme applies or the total quantum of benefits to which the coir worker is entitled under the terms of his employment express or implied.

16. *Directors of Board etc, to be public servants.*-Every Director of the Board, the Chief Executive Officer and other officers and members of the staff of the Board

appointed under sub-section (1) of section 9 shall be deemed to be a public servant within

the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

17. *Penalty.*-(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act or under the scheme or of enabling any other person to avoid such payment knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever contravenes or makes default in complying with any of the provisions of this Act or of the scheme shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment for a term which may extend to two months or with fine which may extend to four hundred rupees, or with both.

(3) No court inferior to that of a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

(4) No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made with previous sanction of the Chief Executive Officer.

18. *Offences by Companies.*-(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his

knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any officer of the company, such officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purpose of this section.-

- (a) “company” means any body corporate and includes a firm, co-operative society or other association of individuals;
- (b) “officer of the company” means the Managing Director, Director, Managing Agent, Secretary, Treasurer or Manager of the company and includes the office bearers of a firm, co-operative society or other association of individuals.

19. *Power to recover damages.*-Where any person makes default in the payment of any contribution to the fund under this Act or the scheme, the Board may recover from him damages, not exceeding twenty-five per cent of the amount of arrear as they may think fit to impose.

20. *Protection for acts done in good faith.*-No suit or other legal proceeding shall lie against any Director of the Board or any other person in respect of anything which is in good faith done or intended to be done under this Act or under the scheme.

21. *Directions by Government.*-(1) The Government may, after consultation with the Board, give to the Board general directions to be followed by the Board.

(2) In the exercise of the powers and performance of its duties under this Act, the Board shall not depart from any general directions issued under sub-section (1) except with the previous permission of the Government.

22. *Power to order inquiry.*-(1) The Government may, at any time appoint any person to inquire into the working of the Board and to submit a report to the Government.

(2) The Board shall give the person so appointed all facilities for the proper conduct of the inquiry and furnish to him such documents, accounts and information in the possession of the Board as he may require.

23. *Power to supersede the Board.*-(1) If, on consideration of the report under section 22 or otherwise, the Government are of opinion that the Board has persistently made default in the performance of the duties imposed on it by or under the provisions of this Act or the scheme or has exceeded or abused its powers, the Government may by notification in the Gazette, supersede the Board for such period not exceeding six months as may be specified in the notification:

Provided that before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification under sub-section (1),-

(a) all the Directors of the Board shall, as from the date of such

publication, vacate their offices as such Directors ;

- (b) all the powers and duties which may be exercised or performed by the Board shall, during the period of supersession be exercised or performed by such officer or officers as may be specified in the notification ;
 - (c) all funds and other properties vested in the Board shall, during the period of supersession, vest in the Government.
- (3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Government shall reconstitute the Board in the manner provided in section 6.

24. Audit of Accounts of the Board and remuneration of auditors.-

- (1) The Government shall appoint auditors to audit the accounts of the Board
- (2) The Board shall pay to the said auditors such remuneration as the Government may direct.
- (3) The accounts of the Board shall be examined and audited once in every year by such auditors.

25. Annual report and audited statement of accounts.-(1) The Annual report of the Board shall be prepared under the direction of the Board and after approval by the Board, a copy of the report shall be submitted to Government before [38](#)[the end of December] every year.

(2) The Government shall, as soon as the annual report is received, cause the same together with the audited statement of accounts to be laid on the Table of the Legislative Assembly.

26. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act or the scheme required to be settled, decided or dealt with or to be determined³⁹[by the Government or any officers authorised by the Government] or the Board or the Director of Coir Development or any officer authorised by the Director of Coir Development or the Chief Executive Officer or any officer authorised by the Board.

27. *Special provisions for transfer of accumulation from welfare funds, established by any Acts or agreement.*—Notwithstanding anything contained in any other law for the time being in force, on the date of publication of this Act in the Gazette, the sums standing to the credit of a member in any welfare fund established either by any law or agreement shall stand transferred to and credited to the fund established under this Act and the liability of such member to pay contribution to such welfare funds shall cease from such date.

28. *Removal of difficulties.*—(1) If any difficulty arises in giving effect to the provisions of the Act, the Government may, as occasion may require, by order, do anything not inconsistent with this Act or the rules made thereunder, which appears to them necessary for the purpose of removing the difficulty.

(2) Every order made under sub-section (1) shall be laid before the State Legislature.

29. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules either prospectively or retrospectively for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately

following the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

[40](#)["ANNEXURE"]

CONTRIBUTION PAYABLE TO THE FUND BY EMPLOYERS

PRODUCERS OF COIR PRODUCTS AND DEALERS

[See section 4 (2)]

<i>Sl. No.</i>	<i>Category</i>	<i>Rate of contribution</i>
	1	2
1.	Employers engaged in production of yarn using spinning ratts:	
	(a) traditional Ratt	rupees thirty per ratt installed or used
	(b) motorised Ratt	rupees twenty-five per ratt installed or used
2.	Persons engaged in the extraction or production of fibre using defibering machinery from:	
	(a) retted husk	rupees one hundred and fifty
	(b) unretted husk	rupees five hundred
3.	Persons engaged only in cleaning or curling of fibre using power:	
	(a) for willowing or cleaning unit	rupee fifty per unit
	(b) curling unit	rupees two hundred per unit
4.	Persons engaged in the production of	

	coirmats, mattings and carpets using:	
	(a) handlooms producing mats	rupees sixty per loom
	(b) handlooms capable of producing mattings of width upto and including Three metres	rupees two hundred and forty per loom
	(c) handlooms capable of producing mattings of width above three metres	rupees for hundred and eighty per loom
	(d) semi-automatic looms	rupees nine hundred per loom
	(e) automatic looms or powerlooms	rupees one thousand and two hundred per loom
5	Persons engaged in the production of rubber backed coir products including those carrying out job work utilising:	
	(a) hand press only	rupees one hundred per unit or factory
	(b) power press	rupees two hundred and fifty per unit or factory
6	Persons engaged in the production of rubberised coir products including rubberised coir mattresses and PVC, rubber, foam, synthetic foam or any other foam backed coir products	rupees fifteen thousand per unit or factory
7	Persons engaged in sheering, stencilling and other finishing work of coir products	rupees one thousand five hundred
8	Persons engaged in the production of coir products not specified elsewhere:	
	(a) for installed capacity in terms of value of production upto and including rupees one lakh	rupees five hundred
	(b) for installed capacity in terms of value of production above one lakh and upto and including rupees ten lakh	rupees one thousand and five hundred
	(c) for installed capacity in terms of value of production above rupees ten lakhs and upto and including rupees fifty lakhs	rupees three thousand
	(d) for installed capacity in terms of value of production above rupees fifty lakhs	rupees ten thousand

Note 1.-	<p>Employers or producers of coir products under Sl. Nos. 1 to 8 above need not make any contribution as a dealer in respect of sale within the country of products manufactured by them. However, if they resort to marketing of fibre, yarn or coir products procured from other sources, they shall be liable to pay contribution as applicable to a dealer for such quantity of goods procured and sold in the domestic market.</p> <p>If any of the employers or producers of coir products in Sl. Nos 1 to 8 above exports their production to countries outside India they shall be liable to pay contribution as an exporter for such quantity of goods that are exported.</p>	
Note 2.-		
9.	Dealers of husk	rupees fifty for every 50,000 Nos. of husk or fraction thereof.
10.	Retters of husk	rupees twenty-five for every fifty thousand husk or fraction thereof.
Note.-	Category of persons included under Sl. Nos. 1, 2 and 3 above engaged in husk retting shall not be liable to pay contribution as retters.	
11	Dealers of fibre, pith, yarn or coir products	rupees one hundred per rupees one lakh or part thereof of the annual turnover, subject to a minimum of rupees two hundred and fifty.”

15. *Repeal and saving.*-(1) The Kerala Coir Worker’s Welfare Fund (Amendment) Ordinance 1998 (5 of 1998) is hereby repealed.

(2) Notwithstanding such repeal; anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

SCHEDULE

[See section 3 (1)]

MATTERS FOR WHICH PROVISIONS MAY BE MADE IN THE SCHEME

1. Registration of coir workers, self employed persons, employers, producers of coir products [41](#)[dealers and exporters]

[42](#) [“(1A) Registration of certain coir workers and self employed persons who have attained sixty years and could not become a member of the Fund before the 30th day of September 1997 and the payment of their contribution to the fund.”.]

2. The time and manner in which contribution shall be made to the fund by coir workers, self employed persons, employers, producers of coir products and dealers and by, or on behalf of coir workers, the contributions which a coir worker and self employed person may make under section 4 and the manner in which such contributions may be recovered.

3. The manner in which the coir workers’ contribution may be recovered by the employers.

4. The constitution of any committee for assisting the Board.

5. The manner in which accounts shall be kept, the investment of moneys belonging to the fund in accordance with any directions issued or conditions specified by the Government, the preparation of the budget, the audit of accounts and the submission of reports to the Government.

6. The form in which a coir worker shall furnish particulars about himself and his family whenever required.

7. The nomination of a person to receive [43](#)[family pension and retirement benefits] of a member on his death and the cancellation or variation of such nomination.

8. The registers and records to be maintained with respect to coir workers and the returns to be furnished by the employers.

9. The form or design of any identity card, token or disc for the purpose of identifying any member of the fund and for issue custody and replacement thereof.

10. The fees to be levied for any of the purposes specified in the schedule.

11. The further powers, if any, which may be exercised by the officers appointed under the Act.

12. The manner in which the sums transferred under section 27 to be brought and credited to the fund.

13. The purposes for which the fund may be utilised for the welfare of coir workers, self-employed persons or their dependents.

14. The procedure for defraying the expenditure incurred in the administration of the fund.

15. The procedure for paying pension, [44](#)[family pension, retirement benefits] grants or advances from the fund.

16. Any other matter which is to be provided for in the scheme or which may be necessary or proper for the purpose of implementing the scheme.

ACT 9 OF 1998

THE KERALA COIR WORKERS' WELFARE FUND (AMENDMENT) ACT, 1998

An Act to amend the Kerala Coir Workers' Welfare Fund Act, 1987.

Preamble.- WHEREAS it is expedient to amend the Kerala Coir Workers' Welfare Fund Act, 1987, for the purposes hereinafter appearing;

BE it enacted in the Forty-ninth Year of the Republic of India as follows:-

1. *Short title and commencement.-*This Act may be called the Kerala Coir Workers' Welfare Fund (Amendment) Act, 1998.

(2) It shall be deemed to have come into force on the 30th day of September, 1997.

2. *Amendment of section 2.-*In section 2 of the Kerala Coir Workers Welfare Fund Act, 1987 (34 of 1987) hereinafter referred to as the principal Act),-

(i) for clause (c), the following clause shall be substituted, namely:-

“(c) “coir products” means mats and mattings, rugs and carpets, fibre, yarn, rubberised coir products and other articles manufactured wholly or partly from fibre, yarn or pith and includes such products of coir backed with PVC, rubber or any similar backing material;”;

(ii) in clause (d),-

(a) for the words “and includes any person”, the words “and includes a floating worker or any person” shall be substituted;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:-

“*Explanation*, - If any question arises as to whether a person is or is not a coir worker for the purpose of this Act, the matter shall be referred to the concerned Project Level Advisory Committee of trade unions in coir industry constituted for such Coir Project area for the purpose for decision and an appeal shall lie to the Board against the decision of the Project Level Advisory Committee;”;

(iii) in clause (f),-

(a) after the words “of husks or fibre”, the words “or pith” shall be inserted;

(b) the words “and the Kerala State Co-operative Coir Marketing Federation and the Kerala State Coir Corporation Ltd; shall be added at the end;

(iv) for clause (h), the following clause shall be substituted, namely:-

“(h) “employer” means any person who directly employs whether on behalf of himself or for any other person one or more coir workers to do any work in connection with the processes in coir industry;”;

(v) after clause (h), the following clause shall be inserted, namely:-

“(ha) “exporter” means any dealer or producer of coir products who exports coir products to any country outside India from ports within the State of Kerala and any such person who produces in or procures from Kerala such coir products and exports them to any country outside India from ports outside the State of Kerala;”;

(vi) in clause (j), the words “with or without the use of machinery” shall be added at the end ;

(vii) after clause (j), the following clause shall be inserted, namely:-

“(ja) “floating worker” means a coir worker who works for more than one employer, dealer or producer of coir products; “;

(viii) after clause (n), the following clause shall be inserted, namely:-

“(na) “pith” means the pith obtained from husk in the process of extracting fibre from husk;”;

(ix) for clause (p), the following clause shall be substituted, namely:-

“(p) “process in coir industry” means retting raw husks, taking out and counting retted husk, peeling the outer layer of retted husks, extracting fibre from husk, cleaning fibre, spinning yarn, drying and bundling fibre and yarn, rehanking yarn, making coir products, dyeing, shearing and allied process in finishing coir products with or without the use of machinery and includes packing and such other activities which the Government may, by notification in the Gazette, from time to time, declare to be a process in coir industry;”;

(x) for clause (q), the following clause shall be substituted, namely:-

“(q) “producer of coir products” means a person who manufacture coir products or carries on the business of processing coir products for export or for internal marketing;”.

3. Amendment of section 3.-In section 3 of the principal Act, in sub-section (4),-

(i) for sub-clause (i) of clause (a), the following sub-clause shall be substituted, namely:-

“(i) to a member who has completed the age of sixty years and had valid membership in the Fund for a minimum period of five years:

Provided that the minimum period of five years membership in the Fund shall not be insisted,-

- (a) to a member who became disabled to do any normal work, in connection with the various processes in coir industry, or
- (b) to a member who subscribed to the Fund with effect from the 18th day of January, 1989 and attained the age of sixty years before the 17th day of January, 1994:

Provided further that a member who has valid membership for a minimum period of thirty years in the Fund and who retires voluntarily, shall also be eligible for pension even if he has not attained the age of sixty years.”;

(ii) in sub-clause (ii) of clause (a), for the words “commencement of this Act”, the words and figures “30th day of September, 1989” shall be substituted;

(iii) after sub-clause (ii) of clause (a), the following sub-clause shall be inserted, namely:-

“(iii) to a person who, before the 30th day of September, 1989, was a coir worker or self employed person and who has not become a member of the Fund and has completed the age of sixty years before the 30th day of September, 1997, if he pays to the Fund an amount equivalent to the contribution payable by him, had he been a member for the period from the 1st day of October, 1989 to the date of completion of sixty years, within a period of nine months from the 30th day of September, 1997;”;

(iv) for clause (b), the following clause shall be substituted, namely:-

“(b) for payment of family pension to the spouse of deceased member or if the deceased member was a widow or a widower to the minor children;”;

(v) after clause (b), the following clause shall be inserted, namely:-

“(ba) for payment of any other retirement benefit;”;

(vi) in clause (d), for the words “marriage of children”, the words “marriage of daughters” shall be substituted;

(vii) after clause (d), the following clauses shall be inserted, namely:-

“(da) for payment of loans or grants to a female member, to meet the expenses in connection with

her own marriage;

(db) for payment of financial assistance to the dependents of a deceased member to meet the expenses in connection with the death of that member;”;

(viii) after clause (h), the following provisos shall be added, namely:-

“Provided that a member shall be eligible for financial assistance under clauses (c), (d) (e), (f), (g) and (h) of sub section (4), only if he has subscribed to the Fund for a continuous period of two years:

Provided further that two years period of membership shall not be insisted in the case of permanent disablement or accident or death of a member who was not a defaulter of the Fund.”.

4. *Amendment of section 4.*-(1) For the marginal heading and sub section (1), (2), (3), (4) and (5) of section 4 of the principal Act, the following shall be substituted, namely:-

“4. *Contribution payable to the Fund.*-Every coir worker and self employed person shall contribute to the Fund five rupees per month and the contribution by the coir worker shall be paid directly or through the employer:

Provided that a coir worker or a self employed person who has not become a member of the Fund before the 30th day of September, 1997 shall become a member of the Fund if he pays to the Fund an amount equivalent to the contribution payable by him, had he been a member for the period prior to the 30th day of September, 1997, within nine month from the said date:

Provided further that the arrears of contribution, if any, for any period prior to the 30th day of September, 1997, payable by a member shall be allowed to be paid waving interest and penalty if such payment is made before the 30th day of September, 1998.

(2) Every employer, producer of coir products and dealer shall pay to the Fund a contribution at the rate shown in the Annexure per year.

(3) The Government shall contribute to the Fund every year an amount equal to twice the amount contributed by the coir Workers and self employed persons, by way of grant.

(4) Every exporter shall with effect from the 1st day of October, 1989 pay to the fund every year an amount equal to 0.75 per cent of the F.O.B. value of his annual exports by way of contribution:

Provided that the contribution payable by producers of coir products, dealers or exporters, as the case may be, till the 30th day of September, 1997 shall be calculated at the revised rates and excess payments, if any, shall also be adjusted against future payments and arrears, if any, may be allowed to be paid in suitable quarterly instalments not exceeding twenty, after waiving interest and penalty on such arrears”:

Provided further that the instalment facility for payment of arrears and waiver of interest and penalty shall be extended only if the current contributions are paid without default along with instalments of arrears.”.

5. *Amendment of section 6.*-For sub-section (3) of section 6 of the principal Act, the following sub-section shall be substituted, namely:-

“(3) The Board shall consist of fifteen Directors as may be appointed by the Government and they shall consist of,-

(i) five Directors representing coir workers and self employed persons;

- (ii) one Director each representing Government in the Industries and Finance Departments;
- (iii) one Director representing Coir Board;
- (iv) Director of Coir Development;
- (v) Chief Executive Officer of the Board; and
- (vi) five Directors representing exporters, dealers, employers, producers of coir products and Coir Co-operative Societies registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969).”.

6. *Amendment of section 9.*-In section 9 of the principal Act after sub-section (3), the following sub-section shall be inserted, namely:-

“(4) The Government may, in such manner as may be prescribed, delegate such of their powers under sub-section (1) to the Board.”.

7. *Amendment of section 11.*-In section 11 of the principal Act,-

(1) in sub-section (1), after the words, “producer of coir products”, the words “or exporter” shall be inserted;

(2) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) Any person aggrieved by an order under sub-section (1) may, within thirty days from the date of receipt of the order, prefer an appeal, in the case of an order passed by any officer, other than the Chief Executive Officer, to the Chief Executive Officer and, in the case of an order passed by the Chief Executive Officer, to the Board and the Chief Executive Officer or the Board, as the case may be, shall after making such enquiry, pass such orders thereon, as he or it may deem fit;

Provided that no appeal shall be entertained either by the Chief Executive Officer or the Board unless the appellant has remitted to the Fund the amount determined under sub-section (1).”;

(3) in sub-section (5), for the words “Director of Coir Development or the officer authorised by him under sub-section (4)”, the words, “Chief Executive Officer or the Board” shall be substituted.

8. *Amendment of section 12.*-In section 12 of the principal Act,-

(1) for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Every employer or dealer or producer of coir products or exporter liable to pay contribution under section 4 shall, pending determination under section 11 of the amount due from him, pay the amount according to latest determination under the said section and in the absence of such determination according to self assessment of contribution payable under section 4, as shown below, namely:-

(a)	contribution upto Rs . 100 per annum	In lumpsum on or before 30 th June of every year
(b)	contribution above Rs.100 and upto Rs.1200 per annum	In two half yearly instalments before 30 th June and 31 st December of every year.
(c)	Contribution above Rs.1200 per annum	In equal quarterly instalments before 30 th June, 30 th September, 31 st December and 31 st March every year.

Note:-	The Board may at its discretion allow appropriate rebate for prompt payment or advance payment.”
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(2) in sub-section (2), for the words and figures “5th day”, the words and figures “15th day” shall be substituted;

(3) in sub-section (4), after the words “producer of coir products” the words “or exporter” shall be inserted., namely:-

9. *Amendment of section 13.*- In section 13 of the principal Act,-

(1) in the marginal heading, for the words “and producers of coir products” the words “producers of coir products and exporters” shall be substituted;

(2) the existing section shall be numbered as sub-section (1) of that section and the sub-section (1) as so renumbered for the words “and producers of coir products”, the words “producers of coir products and exporters” shall be substituted.

(3) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:-

“(2) The Chief Executive Officer or any other officer authorised by the Government in this behalf shall have power to seize goods, stocks including goods in transit along with the carrier, machinery or equipment of the employers, dealers, producers of coir products or exporters who has defaulted contribution to the Fund for more than one year and sell them in public auction for realisation of defaulted amount due to the Fund from them:

Provided that if the defaulter pays the defaulted amount within seven days from the date of such seizure,

the articles so seized shall be released to him.”.

10. *Amendment of section 14.*-In section 14 of the principal Act, after the words “or producer of coir products” in three places where it occur the words “or exporter” shall be inserted

11. *Amendment of section 25.*-In section 25 of the principal Act, in sub-section (1), for the words “the end of July”, the words “the end of December” shall be substituted.

12. *Amendment of section 26.*-In section 26 of the principal Act, for the words “by the Government”, the words “by the Government or any officer authorised by the Government” shall be substituted.

13. *Insertion of Annexure.*-In the principal Act, after section 29, the following “Annexure” shall be inserted, namely:-

“ANNEXURE

CONTRIBUTION PAYABLE TO THE FUND BY EMPLOYERS, PRODUCERS OF COIR PRODUCTS
AND DEALERS

[See section 4 (2)]

<i>Sl. No.</i>	<i>Category</i>	<i>Rate of contribution</i>
	1	2
1.	Employers engaged in production of yarn using spinning ratts:	
	(a) traditional Ratt	rupees thirty per ratt installed or used
	(b) motorised Ratt	rupees twenty-five per ratt installed or used

2.	Persons engaged in the extraction or production of fibre using defibering machinery from:	
	(a) retted husk	rupees one hundred and fifty
	(b) unretted husk	rupees five hundred
3.	Persons engaged only in cleaning or curling of fibre using power:	
	(a) for willowing or cleaning unit	rupee fifty per unit
	(b) curling unit	rupees two hundred per unit
4.	Persons engaged in the production of coirmats, mattings and carpets using:	
	(a) handlooms producing mats	rupees sixty per loom
	(b) handlooms capable of producing mattings of width upto and including Three metres	rupees two hundred and forty per loom
	(c) handlooms capable of producing mattings of width above three metres	rupees for hundred and eighty per loom
	(d) semi-automatic looms	rupees nine hundred per loom
	(e) automatic looms or powerlooms	rupees one thousand and two hundred per loom
5	Persons engaged in the production of rubber backed coir products including those carrying out job work utilising:	
	(a) hand press only	rupees one hundred per unit or factory
	(b) power press	rupees two hundred and fifty per unit or factory
6	Persons engaged in the production of rubberised coir products including rubberised coir mattresses and PVC, rubber, form, synthetic foam or any other foam backed coir products	rupees fifteen thousand per unit or factory
7	Persons engaged in sheering, stencilling and other finishing work of coir products	rupees one thousand five hundred
8	Persons engaged in the production of coir products not specified elsewhere:	
	(a) for installed capacity in terms of value of production upto and including rupees one lakh	rupees five hundred
	(b) for installed capacity in terms of value of production above one lakh and upto and including rupees ten lakh	rupees one thousand and five hundred
	(c) for installed capacity in terms of value of production above rupees ten lakhs and upto and	rupees three thousand

	including rupees fifty lakhs	
	(d) for installed capacity in terms of value of production above rupees fifty lakhs	rupees ten thousand
Note 1.-	<p>Employers or producers of coir products under Sl. Nos. 1 to 8 above need not make any contribution as a dealer in respect of sale within the country of products manufactured by them. However, if they resort to marketing of fibre, yarn or coir products procured from other sources, they shall be liable to pay contribution as applicable to a dealer for such quantity of goods procured and sold in the domestic market.</p> <p>If any of the employers or producers of coir products in Sl. Nos 1 to 8 above exports their production to countries outside India they shall be liable to pay contribution as an exporter for such quantity of goods that are exported.</p>	
Note 2.-		
9.	Dealers of husk	rupees fifty for every 50,000 Nos. of husk or fraction thereof.
10.	Retters of husk	rupees twenty-five for every fifty thousand husk or fraction thereof.
Note.-	Category of persons included under Sl. Nos. 1, 2 and 3 above engaged in husk retting shall not be liable to pay contribution as retters.	
11	Dealers of fibre, pith, yarn or coir products	rupees one hundred per rupees one lakh or part thereof of the annual turnover, subject to a minimum of rupees two hundred and fifty.”

4. *Amendment of Schedule.*-In the Schedule to the principal Act,-

- (a) in item (1), or the words “and dealers,” the words “dealers and exporters” shall be substituted;

(b) after item (1), the following item shall be inserted, namely:-

“(1A) Registration of certain coir workers and self employed persons who have attained sixty years and could not become a member of the Fund before the 30th day of September, 1997 and the payment of their contribution to the Fund;.” ;

(b) in item 7, for the words “family pension”, the words “family pension and retirement benefit” shall be substituted;

(c) in item 15, for the words “family pension”, the words “family pension, retirement benefit” shall be substituted.

15. *Repeal and saving.*-(1) The Kerala Coir Workers’ Welfare Fund (Amendment) Ordinance, 1998 (5 of 1998), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.